

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1845

IN THE MATTER OF:

Served May 17, 1978

Application of RODGERS E. JOHNSON )  
T/A J & J BUS SERVICE for )  
Certificate of Public Convenience )  
and Necessity to Perform Regular- )  
Route Service )

Case No. AP-78-4

By application filed February 14, 1978, Rodgers E. Johnson, trading as J & J Bus Service (J & J), seeks a certificate of public convenience and necessity to transport passengers and their baggage in the same vehicle with passengers over a described regular route from specified points in Prince George's County, Md., to the Naval Research Laboratory, Washington Navy Yard, and other specified points in Washington, D. C., and return. Pursuant to Order No. 1827, a public hearing was held on this application on April 25, 1978. No party appeared in opposition to the application.

Applicant currently holds Certificate of Public Convenience and Necessity No. 39 from this Commission which authorizes it to transport passengers and their baggage over the following regular route:

From the intersection of Horsehead Road and Maryland Highway 381, over Maryland Highway 381 to Cedarville Road, then over Cedarville Road to U. S. Highway 301, then over U. S. Highway 301 to Maryland Highway 5, then over Maryland Highway 5 to Interstate Highway 495,<sup>1/</sup> then over Interstate Highway 495 to Interstate Highway 295, then over Interstate Highway 295 to the Naval Research Laboratory, 4555 Overlook Avenue, S. W., Washington, D. C., serving intermediate points on Maryland Highway 381, Cedarville Road, U. S. Highway 301 and Maryland Highway 5, and Duley's Restaurant located near the junction of Maryland Highways 5, 373, and 381, and Clinton Shopping Center located near the junction of Maryland Highways 5 and 223, as off-route points, and return over the same route.

<sup>1/</sup> On July 1, 1977, this portion of the Capital Beltway was redesignated Interstate Highway 95.

This certificate was issued by the Commission on January 11, 1977. J & J also holds temporary authority commensurate with the authority sought herein. As noted in Order No. 1827, the authority sought duplicates that in Certificate No. 39 to some extent. Essentially, J & J seeks to extend its existing route beyond the Naval Research Laboratory to the Washington Navy Yard and specified points in the southwest and northwest sections of the District of Columbia.

J & J owns and operates two buses. One, a 1954 coach seats 41 passengers and the other, of 1960 vintage, seats 39 passengers. J & J plans to use one of these buses in providing the proposed service. J & J also holds regular-route authority from the Interstate Commerce Commission that requires use of the second bus. Because the extended service would require two buses, J & J proposes to lease an additional vehicle.

J & J filed a financial statement showing current assets of \$14,200, and current liabilities of \$9,360. Its total assets amounted to \$166,700 and total liabilities amounted \$36,500.

J & J proposes to charge the following fares for the service rendered.

	<u>One-Way</u>	<u>Ten Round-trip Ride Commutation Ticket</u>
Between Md. 381 & Horsehead Rd., Cedar- ville Rd. & Cedarville Trailer Park Rd., Cedarville Rd. & U.S. 301, and Duley's Restaurant And Naval Research Laboratory	\$1.50	\$22.50
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Between Clinton Shopping Center and Md. 5 & Allentown Rd. And Naval Research Laboratory	\$ .75	\$12.50
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Between Md. 381 & Horsehead Rd., Cedar- ville Rd. & Cedarville Trailer Park Rd., Cedarville Rd. & U.S. 301, and Duley's Restaurant And Washington Navy Yard and all other points served in the District of Columbia	\$1.60	\$30.00
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At the hearing on April 25, seven public witnesses testified concerning the need for J & J's service. Generally the public witnesses' testimony demonstrated that the individuals travel between their homes in southern Prince Georges County or northern Charles County, Md., to and from their places of work in the District of Columbia. The witnesses generally indicate that they would board the J & J bus either at the intersection of Maryland Highway 381 and Horsehead Road or at Duley's Restaurant, and travel to such points as Farragut Square, the Washington Navy Yard, and 12th and Constitution Avenue, N.W., in the District of Columbia. Many of the witnesses indicated that they were government employees whose particular agencies had a flexitime policy, thus enabling them to readjust their work schedules so as to patronize the schedules proposed by J & J. The witnesses indicated that they would be using J & J proposed service on a daily basis. For the most part the witnesses currently utilize carpools to travel to and from their places of employment. They believe that J & J's proposed service would be cheaper and generally more convenient than such carpooling arrangements. The witnesses were not aware of any existing public transportation suitable for their needs.

The Compact, Title II, Article XII, Section 4(b), provides that a certificate of public convenience and necessity shall be issued by the Commission if it finds ". . . that the applicant is fit, willing, and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise, such application shall be denied." The Commission finds that the evidence of record amply warrants a grant of this application to the extent it is not duplicative of J & J's existing authority. The applicant has met its statutory burden of proof by establishing a public need for its service which apparently is not being met by existing carriers.

Moreover, we find that applicant is generally fit, financially and otherwise, properly to perform the operation authorized herein. Applicant has made a diligent effort fully to conform its operations to applicable regulatory requirements and, we believe, evinced its willingness to conduct its future operations in complete compliance with the lawful orders of this Commission. We do note two caveats to this general finding. As mentioned above, applicant will need to acquire, by lease or purchase, a third vehicle in order to run two WMATC schedules and one ICC schedule. Evidence that this third bus has been obtained, together with insurance thereon will be required. Finally, a condition that J & J identify its equipment as required by Commission Regulation No. 68 will be imposed.

THEREFORE, IT IS ORDERED:

1. That the above-referenced application of Rodgers E. Johnson is hereby granted.

2. That, upon compliance with the conditions set forth herein, an amended Certificate of Public Convenience and Necessity No. 39 shall be reissued authorizing the following:

REGULAR ROUTE:

PASSENGERS AND THEIR BAGGAGE,

(a) From the intersection of Horsehead Road and Maryland Highway 381, Prince George's County, Md., to the Naval Research Laboratory, 4555 Overlook Avenue, S.W., Washington, D.C., over route (1) below and return; and

(b) From the intersection of Horsehead Road and Maryland Highway 381, Prince George's County, Md., to Farragut Square, Washington, D.C., over routes (1) and (2) below which shall be joined for the purpose of providing thorough service, and return.

(1) From the intersection of Horsehead Road and Maryland Highway 381, over Maryland Highway 381 to Cedarville Road, then over Cedarville Road to U.S. Highway 301, then over U.S. Highway 301 to Maryland Highway 5, then over Maryland Highway 5 to Interstate Highway 95, then over Interstate Highway 95 to Interstate Highway 295, then over Interstate Highway 295 to the Naval Research Laboratory, serving those intermediate points on Maryland Highway 381, Cedarville Road, U.S. Highway 301, and Maryland Highway 5, and the off-route points of Duley's Restaurant located near the junction of Maryland Highways 5, 373 and 381 and Clinton Shopping Center located near the junction of Maryland Highways 5 and 223, and return over the same route.

(2) From the Naval Research Laboratory, then over Interstate Highway 295 to N Street, S.E., then over N Street, S.E., to Interstate Highway 395, then over Interstate Highway 395 to 1st Street, S.W., then over 1st Street, S.W., to Independence Avenue, then over Independence Avenue to 12th Street, S.W., then over 12th Street, S.W., to Constitution Avenue, then over Constitution Avenue to Virginia Avenue, then over Virginia Avenue to 23rd Street, N.W., then over 23rd Street, N.W., to K Street, N.W., then over K Street, N.W., to Farragut Square, serving all intermediate points (except those on N Street, S.E., and Interstate Highways 295 and 395)

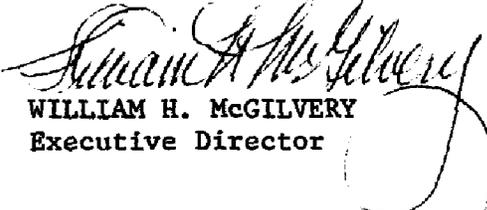
and serving the Washington Navy Yard as an off-route point, and return over the same route.

RESTRICTED to the transportation of passengers traveling between points in Prince George's County, Md., on the one hand, and, on the other, points in the District of Columbia.

3. That Rodgers E. Johnson is hereby directed to file, within 30 days from the date of service hereof, (a) notarized evidence of vehicular capacity to provide the service to be authorized in addition to his other certificated operations; (b) a certificate of insurance for all vehicles operated in accordance with Commission Regulation 62, (c) a notarized statement establishing that all operated vehicles are identified in accordance with Commission Regulation 68, and (d) two copies of WMATC Tariff No. 2, canceling WMATC Tariff No. 1, in accordance with Commission Regulation 55.

4. That unless such compliance is effected within said 30 days, or such other time as may be directed by the Commission, the grant of authority made herein shall be considered null and void and Case No. AP-78-4 shall stand denied in its entirety effective upon the expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director